



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,694	02/01/2001	Yuichi Higuchi	03500.015094.	3090

5514 7590 10/03/2007
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
----------	--------------

2157

MAIL DATE	DELIVERY MODE
-----------	---------------

10/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/774,694

Applicant(s)

HIGUCHI, YUICHI

Examiner

LaShonda T. Jacobs

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8,21-28,41-48 and 74-79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8,21-28,41-48 and 74-79 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

This Office Action is in response to Applicant's RCE Amendment filed on April 23, 2007.

Claims 1-8, 21-28, 41-48 and 74, 76-79 are presented for further examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1-8, 21-28, 41-48** and **74, 76-79** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiohara (U.S. Pat. No. 6,804,019) in view of Moro et al (hereinafter, "Moro", U.S. Pat. No. 6,327,051).

As per claims **1, 21** and **41**, Shiohara discloses a server, which can communicate with a device, comprising:

- first storage unit adapted to store information representing an ability of the device (col. 4, lines 9-18);
- second storage unit adapted to store information representing an ability of a device driver for the device (col. 4, lines 42-49); and
- retrieval condition reception unit adapted to receive a retrieval condition for selecting the device (col. 5, lines 66-67 and col. 6, lines 1-6).

Art Unit: 2157

However, Shiohara does not explicitly disclose:

- a comparing unit adapted to compare the retrieval condition received by said retrieval condition unit with combined information, the combined information being a combination of the information stored by said first storage unit and the information stored by said second storage unit; and
- an output unit adapted to output a comparing result obtained by said comparing unit.

Moro discloses a printing control apparatus and method including:

- a comparing unit adapted to compare the retrieval condition received by said retrieval condition unit with combined information, the combined information being a combination of the information stored by said first storage unit and the information stored by said second storage unit (col. 6, lines 52-67, col. 7, lines 1-33 and col. 32, lines 29-63); and
- an output unit adapted to output a comparing result obtained by said comparing unit (col. 6, lines 52-67, col. 7, lines 1-33 and col. 32, lines 29-63) .

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Moro's teaching of combining information to conform to results of printing desired by the user in a timely and efficient manner.

As per claims **2**, **22** and **42**, Shiohara further discloses:

- first reception unit adapted to receive the information representing the ability of the device (col. 4, lines 9-18); and
- second reception unit adapted to receive the information representing the ability of the device driver for the device (col. 4, lines 42-49).

Art Unit: 2157

As per claims **3**, **23** and **43**, Shiohara discloses the invention substantially as claims discussed above:

However, Shiohara does not explicitly disclose:

- a generation unit adapted to generate the combined information by combining the information stored by first storage unit and the information stored by said second storage unit together.

Moro discloses a printing control apparatus and method including:

- a generation unit adapted to generate the combined information by combining the information stored by first storage unit and the information stored by said second storage unit together (col. 6, lines 52-67, col. 7, lines 1-33 and col. 32, lines 29-63) .

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Moro's teaching of combining information to conform to results of printing desired by the user in a timely and efficient manner.

As per claims **4**, **24** and **44**, Shiohara further discloses:

- a third storage unit adapted to store the information generated by said generation means to a storage unit (col. 4, lines 19-29).

As per claims **5**, **25** and **45**, Shiohara discloses the invention substantially as claims discussed above.

However, Shiohara does not explicitly disclose:

- wherein said comparing unit compares the combined information stored by said third storage unit with the retrieval condition.

Moro discloses a printing control apparatus and method including:

Art Unit: 2157

- wherein said comparing unit compares the combined information stored by said third storage unit with the retrieval condition (col. 6, lines 52-67, col. 7, lines 1-33 and col. 32, lines 29-63) .

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Moro's teaching of combining information to conform to results of printing desired by the user in a timely and efficient manner.

As per claims **6**, **26** and **46**, Shiohara discloses:

- wherein said output unit outputs an adaptivity based on the number of adapted conditions among the plural conditions included in the retrieval condition (col. 5, lines 66-67 and col. 6, lines 1-6).

However, Shiohara does not explicitly disclose:

- wherein said comparing unit compares the information stored by said first storage unit and, the information stored by said second storage unit with each condition included in the retrieval condition.

Moro discloses a printing control apparatus and method including:

- wherein said comparing unit compares the information stored by said first storage unit and, the information stored by said second storage unit with each condition included in the retrieval condition (col. 6, lines 52-67, col. 7, lines 1-33 and col. 32, lines 29-63) .

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Moro's teaching of combining information to conform to results of printing desired by the user in a timely and efficient manner.

As per claims **7**, **27**, and **47**, Shiohara discloses:

Art Unit: 2157

- wherein the first information representing the ability of the device is information concerning any one of a duplex print, an N-up print, a job copy, a page copy, an OHP insertion print, a resolution, the number of print pages, a paper size, and a status of said device (col. 3, lines 1-3 and col. 5, lines 1-19).

As per claims **8**, **28** and **48**, Shiohara discloses:

- wherein the comparing by said comparing unit is performed with respect to plural devices (col. 6, lines 15-24).

As per claims **74** and **75**, Shiohara discloses the invention substantially as claims discussed above.

However, Shiohara does not explicitly disclose:

- wherein said output unit outputs the comparing result in a form for discriminating the function executable by the device driver, as the result of the comparing by said comparing unit.

Moro discloses a printing control apparatus and method including:

- wherein said output unit outputs the comparing result in a form for discriminating the function executable by the device driver, as the result of the comparing by said comparing unit (col. 6, lines 52-67, col. 7, lines 1-33 and col. 32, lines 29-63) .

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Moro's teaching of combining information to conform to results of printing desired by the user in a timely and efficient manner.

As per claims **76** and **78**, Shiohara discloses:

Art Unit: 2157

- wherein said retrieving step includes retrieving the device for which at least one of the ability of the device and the ability of the device driver satisfies the retrieval condition (col. 5, lines 1-19).

As per claims 77 and 79, Shiohara discloses the invention substantially as claims discussed above.

However, Shiohara does not explicitly disclose:

- wherein outputting step includes outputting the comparing result in a form for discriminating the function executable by the device driver, as the result of the comparing in said comparing step.

Moro discloses a printing control apparatus and method including:

- wherein outputting step includes outputting the comparing result in a form for discriminating the function executable by the device driver, as the result of the comparing in said comparing step (col. 6, lines 52-67, col. 7, lines 1-33 and col. 32, lines 29-63) .

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Moro's teaching of combining information to conform to results of printing desired by the user in a timely and efficient manner.

Response to Arguments

3. Applicant's arguments with respect to claims 1-8, 21-28, 41-48 and 74, 76-79 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2157

Conclusion

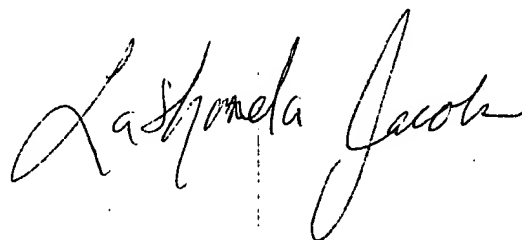
Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
July 20, 2007

A handwritten signature in cursive script that reads "LaShonda T. Jacobs". The signature is written in dark ink and is positioned below the typed name and title.